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May 4, 2022

Via Email: Failla_NYSDChambers@nysd.uscourts.gov

The Hon. Katherine Polk Failla, U.S.D.J.
United States District Court, Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Kyle v. Lewis, et al.*, 20-cv-06142 (KPF)

Dear Judge Polk Failla:

We represent Defendant Donald Lewis in the above referenced action and file this letter motion requesting a ninety-day extension of the discovery schedule. The reasons for the request involve confidential medical information, and therefore, pursuant to Your Individual Rules of Practice 9(C)(iii), enclosed are the following documents:

1. An unredacted copy of this letter motion with the letter from our client's doctor;
2. The proposed revised discovery schedule;
3. A copy of this letter motion highlighting the redacted confidential medical information for the ECF filing.

Pursuant to Your Individual Rules of Practice 3(C), we have been conferring with counsel since early April, and then followed-up with letters dated April 21 and April 29, 2022, and then conducted a final meet and confer on May 3, 2022 to resolve these issues, however, counsel has not consented to our request for an extension.

The Hon. Katherine Polk Failla, U.S.D.J.
May 4, 2022
Page Two

The Nature of the Dispute

Plaintiff is a former partner of defendant Pierce Bainbridge Beck Price & Hecht, LLP (“Pierce Bainbridge”) who has alleged *inter alia* violations of the New York State and City Human Rights Laws, and defamation against Mr. Lewis, a former Pierce Bainbridge partner. Mr. Lewis denies Ms. Kyle’s claims.

Reasons for the Extension Request

[REDACTED]

We are requesting an extension for the following reasons. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] In addition, Counsel for Plaintiff has noticed other party depositions for the next few weeks, which we will be unable to properly prepare for given the issues set forth above. We therefore request that the original discovery schedule be revamped to begin depositions on July 1, 2022, after we complete written discovery, to provide the time necessary [REDACTED]

[REDACTED]

The Current Discovery Schedule

We have not requested a prior extension of time from the Court.

The current Civil Case Management Plan and Scheduling Order (the “Order”) provides as follows:

- (i) Initial requests for production of documents served: January 13, 2022;
- (ii) Interrogatories served: January 13, 2022;
- (iii) Depositions of fact witnesses completed: June 6, 2022;
- (iv) Fact discovery completed: June 6, 2022;
- (v) Expert discovery completed: August 21, 2022.

The revised Case Management Plan provides for the following proposed schedule:

The Hon. Katherine Polk Failla, U.S.D.J.
May 4, 2022
Page Three

- (i) Plaintiff to respond to Defendant's interrogatories: May 9, 2022;
- (ii) Plaintiff to respond to Defendant's Request for Documents: May 9, 2022;
- (iii) Defendant to respond to Plaintiff's Request for Documents: May 15, 2022.
- (iv) Depositions of fact witnesses to commence on July 1 and be completed by September 5, 2022;
- (v) Fact discovery completed: September 5, 2022;
- (vi) Expert discovery completed: November 21, 2022.

A proposed Revised Scheduling Order is attached.

Respectfully submitted,

s/ Juan C. Fernandez

Juan C. Fernandez

JCF/scf

Attachments

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